



Paper No. 4

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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of	:
Ainsworth et al.	:
Application No. 09/746,746	: DECISION DISMISSING
Filed: December 22, 2000	: PETITION AS MOOT
Attorney Docket No. ACS 54804 (23571)	:
	:

This is a decision on the petition under 37 CFR 1.10(e) to accord a filing date of December 22, 2000, filed June 11, 2001.

The petition under 37 CFR 1.10(e) is dismissed as moot.

The above-identified application was filed December 22, 2000. Petitioner asserts to have neither received a return postcard nor a filing receipt. Petitioner reasons that the above-identified application is lost in the Office. This is an incorrect assumption.

Petition under 37 CFR 1.10(e)

When the Office has no record of receiving correspondence, the proper vehicle for proving receipt is either a PTO date stamped itemized postcard receipt or a grantable petition under 37 CFR 1.10(e). However, in the instant case, the Office has received the application. The December 22, 2000 filing consists of: a 2 page transmittal letter\FORM PTO-1082, a Request and Certification under 35 USC 122(b)(2)(B)(i), 19 pages of specification, 7 pages of claims, and 7 pages of drawings.¹ Accordingly, the petition under 37 CFR 1.10(e) is dismissed as moot.

¹ It is noted that the first page of the application (or cover sheet) states there are 8 pages of drawings associated with the filing. Both the December 22, 2000 filing and the copy of the December 22, 2000 filing supplied by petitioner on June 11, 2001 contain only 7 pages of drawings.

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